

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES KERSTETTER

FILED
WILLIAMSPORT, PA NO. 4:02 CV 0829

V.

JUN 11 2003

ROBERT JOHN AND CITY OF SHAMOKIN

MARY E. D'ANDREA, CLERK
Per KLW JUDGE MCCLURE
DEPUTY CLERK

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1, I, Edward E. Kopko, certify that I spoke with Mr. David Karamessinis, counsel for the defendants, and learned from him that he concurs in the following motion.

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

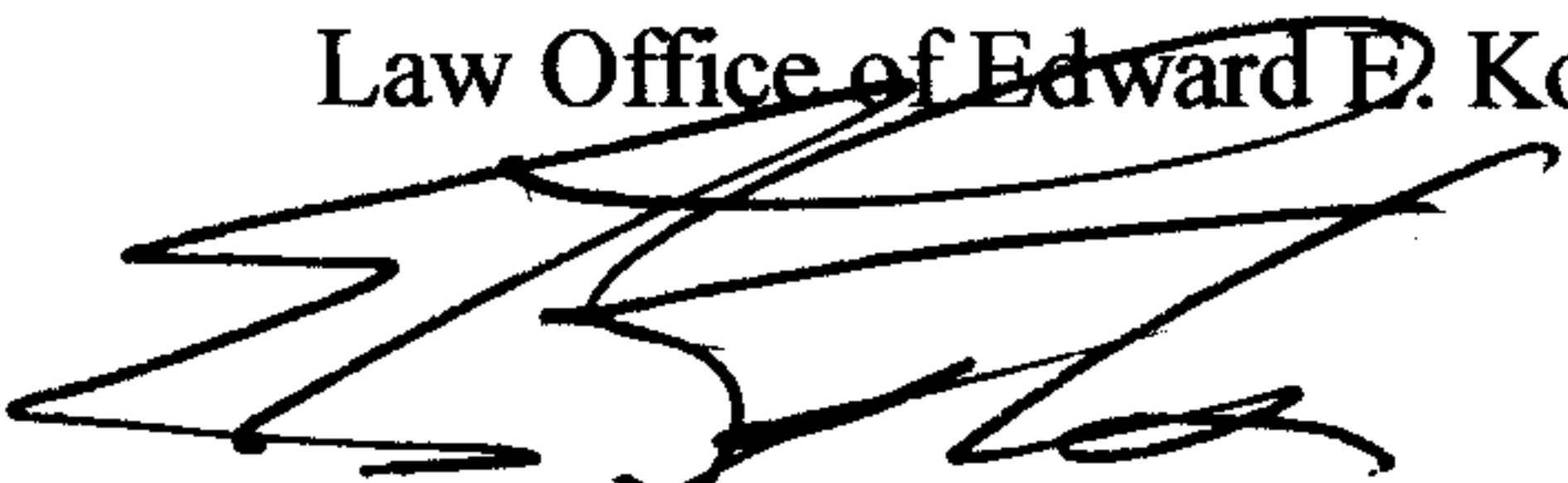
Edward E. Kopko, counsel for the Plaintiff, Charles Kerstetter, moves this Court for leave to withdraw as counsel, and as grounds therefore states as follows:

- 1) Edward E. Kopko (Kopko) is an attorney admitted to practice before the United States District Court, Middle District of Pennsylvania, who was retained by the Plaintiff, Charles Kerstetter, to represent him in this action.
- 2) On Monday, April 21, 2003, Kopko and opposing counsel scheduled the deposition of the Defendant Robert John for Thursday, May 1, 2003 in Shamokin, Pennsylvania.
- 3) On April 22, 2003, Kopko sent a copy of the fax message scheduling the deposition to the office of local counsel, Atty. Vincent Rovito, together with the request to notify Kerstetter regarding the deposition.
- 4) By letter dated April 22, 2003, Rovito notified Kerstetter of the deposition.
- 5) On prior occasions Kopko had explained to Kerstetter the need and importance of attending depositions in his case to assist counsel in the examination to be conducted.
- 6) On or about Tuesday, May 29, 2003, Kerstetter telephoned to Kopko to say that he would not attend the deposition because he did not want to leave his restaurant.

- 7) Kerstetter's willful failure to attend the deposition substantially hindered Kopko in examining Detective John.
- 8) Based upon the limited examination of Detective John conducted in the absence of Kerstetter, Kopko believes in good faith that no basis exists for establishing liability against Detective John or the City of Shamokin as alleged in the complaint.
- 9) Kopko has notified Kerstetter that Kopko would seek leave from this Court to withdraw as counsel and that pending a decision by this Court, Kopko would continue to represent Kerstetter's interests.

Wherefore, Edward E. Kopko moves this Court for a Rule to Show Cause issued to the Plaintiff Charles Kerstetter to show cause why the relief requested in this motion should not be granted.

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Monday, June 09, 2003